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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 654 of 2007.
Date of Decision : February 06, 2007

Pawan Kumar Aggarwal

... Petitioner.

Versus

Ramesh Chand Mittal

.. Respondent

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri J.P.Sharma, Advocate,
for the petitioner.

PRITAM PAL , J. (Oral)

This revision petition, under Article 227 of the Constitution of India, is directed against orders dated 25.1.2007 (Annexures P/1 and P/2), whereby the evidence of the petitioner-defendant (hereinafter referred to as "the petitioner") was closed.

Learned counsel for the petitioner contends that in fact, in this case, only one witness, namely, Ram Singh, Munim, remains to be examined for whom, summons were issued by the learned trial Court, for 22.1.2007. The process-server had gone to the firm of the aforesaid Munim, but there he was not available. In that regard, reports dated 14.11.2006 and 17.1.2007, placed on record, as Annexure P/3, have been referred to.

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Admittedly, the summon of the aforesaid witness was issued under the order of the court after the process-fee and the diet-money had been deposited by the petitioner. In these given circumstances, the trial court should not have closed the evidence of the petitioner, rather another opportunity should have been given to have examined the aforesaid witness by issuing a fresh notice.

Taking an over-all view of the facts and circumstances of the matter in hand, this revision petition is disposed of with the direction that the learned trial court shall give one effective opportunity to the petitioner for examining the aforesaid witness. Learned counsel for the petitioner, however, undertakes to serve Ram Singh, Munim, to be examined in this case, by taking the summons *dasti*.

[PRITAM PAL]
JUDGE

February 06, 2007.
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